

9200/1617



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q48500

Masao INOUE, et al.

Appln. No.: 08/987,380

Group Art Unit: 1617

Confirmation No.: 6198

Examiner: Shengjun Wang

Filed: December 9, 1997

For: GRANULAR PESTICIDAL COMPOSITION

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PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR § 1.181(a) AND UNDER MPEP § 711.03(c)I

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment, mailed January 13, 2004, Applicants hereby petition the Commissioner under 37 C.F.R. § 1.181(a) and in accordance with the requirements of MPEP §711.03(c)(I) to withdraw a holding of abandonment of the above identified application.

The application was allegedly abandoned for failure to file an Appeal Brief responsive to the Notice of Appeal filed May 5, 2003, within the time period set therein. However, a response to the May 5, 2003, Notice of Appeal was in fact filed in the USPTO within the required time period on November 5, 2003, along with an RCE and a Petition for Extension of Time, but evidently has been misplaced by the USPTO.

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Submitted herewith in support of the Petition are the following documents:

1. Notice of Appeal and Petition for Extension of Time, filed May 5, 2003.
2. Stamped Returned Receipt bearing USPTO mail room stamp of May 5, 2003 and identifying as filed the papers entitled "Notice of Appeal in duplicate with check no. 221607 in the amount of \$320.00 and Petition for Extension of Time for Three Months (in duplicate with Check No. 221431 in the amount of 930.00.
3. Request for Continued Examination (Check No. 234248 in the amount of \$770.00), Response Under 37 C.F.R. § 1.114(c) and Petition for Extension of Time (in duplicate with Check No. 234249 in the amount of \$1,480.00)).
4. Stamped Returned Receipt bearing USPTO mail room stamp of November 5, 2003 and identifying as filed the papers entitled "Request for Continued Examination (Check No. 234248 in the amount of \$770.00), Response Under 37 C.F.R. § 1.114(c) and Petition for Extension of Time (in duplicate with Check No. 234249 in the amount of \$1,480.00)).
5. Notice of Abandonment mailed January 13, 2004.

From documents 1-5, it is clear that Applicants filed a response to the Notice of Appeal, filed May 5, 2003, within the required response time period.


In view of the circumstances described above, Applicants respectfully submit that the application is not abandoned and petitions the Commissioner to withdraw the holding of Abandonment.

PETITION UNDER 37 CFR § 1.181(a)
Application Number 08/987,380

Q48500

It is respectfully submitted that under 37 C.F.R. § 1.181(a), no fee is required to accompany this Petition to Withdraw Holding of Abandonment. However, if it is deemed that a fee is due, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


John K. Shin
Registration No. 48,409

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 28, 2004